

ROBERT Z. DEMARCO, ESQ.  
Nevada Bar No. 12359  
CHESNOFF & SCHONFELD  
520 South Fourth Street  
Las Vegas, Nevada 89101  
Tel.: [702] 384-5563  
Fax: [702] 598-1425  
rdemarco@cslawoffice.net  
Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \*

SOVANY BEVERAGE COMPANY, LLC )  
A Nevada Limited Liability Company, )  
Plaintiff, )

v. )

CASE NO: 2:21-cv-01414-APG-EJY

NEWPORT FLAVORS AND )  
FRAGRANCES )  
d/b/a NEWPORT BOTTLING AND )  
CANNING, a California Corporation; )  
Doe Individuals I through X, and Roe )  
Corporations I through X, )

STIPULATION REGARDING  
BRIEFING OF DEFENDANT’S MOTION  
TO DISMISS [ECF No. 6] AND  
DISCOVERY PLAN AND [PROPOSED]  
ORDER (FOURTH REQUEST AS TO  
MOTION TO DISMISS AND FIRST  
AS TO DISCOVERY PLAN)

Defendant. )

IT IS HEREBY STIPULATED and AGREED by and between Plaintiff Sovany Beverage Company, LLC (“Plaintiff”), and Defendant Newport Flavors and Fragrances, d/b/a Newport Bottling and Canning (“Defendant”), by and through their respective undersigned counsel:

1. As set forth in prior stipulations between the parties [ECF Nos. 9, 13, 15], the parties are still attempting to resolve the matter through counsel, and the parties have conserved resources and have been mindful of judicial economy during that process.

2. A settlement either will be reached within the next two weeks, or a settlement will not occur at this juncture.
3. With the forgoing in mind, and to accommodate the schedule of Plaintiff's counsel during the week of October 4 – October 8, 2021, the parties have agreed to a final extension of the briefing schedule on Defendant's pending Motion to Dismiss for Lack of Personal Jurisdiction [ECF No. 6] (the "Motion to Dismiss").
4. Specifically, the parties stipulate and agree that Plaintiff shall have until October 20, 2021 to file an opposition to the Motion to Dismiss, and Plaintiff shall have until November 3, 2021 to file a reply in support of the Motion to Dismiss.
5. Absent exigent circumstances, there shall be no further extensions of the briefing schedule on the Motion to Dismiss.
6. In addition, on September 21, 2021, the Court entered a minute order [ECF No. 17] regarding the submission of a proposed discovery plan and scheduling order.
7. The parties respectfully submit that with the Motion to Dismiss pending, the submission of a proposed discovery plan and scheduling order would be inefficient and a potential waste of judicial time and resources.
  - a. For reasons that will be addressed in Plaintiff's opposition to the Motion to Dismiss, Plaintiff maintains that said Motion should be denied, and if the Motion is not denied on its face, at a minimum, jurisdictional discovery should be conducted before the Court rules on the Motion to Dismiss. If such discovery is ordered, then any proposed discovery plan and scheduling order will be moot.

///

1           b. For reasons that will be addressed in Defendant's reply in support of the Motion  
2           to Dismiss, Defendant maintains there is no basis for conducting jurisdictional  
3           discovery and the Motion to Dismiss should be granted. Should the Court grant  
4           the Motion to Dismiss, then there will be no discovery, and any proposed  
5           discovery plan and scheduling order will be moot.  
6

7           8. As such, the parties stipulate and agree that any requirement for filing a proposed  
8           discovery plan and scheduling order should be stayed until the Court has entered a  
9           decision on the Motion to Dismiss.  
10

11 DATED this 4th day of October 2021.

12 /s/ Robert Z. DeMarco  
13 ROBERT Z. DEMARCO, ESQ.  
14 Nevada Bar No. 12359  
15 CHESNOFF & SCHONFELD  
16 520 South Fourth Street  
17 Las Vegas, Nevada 89101  
18 Tel.: (702) 384-5563  
19 Fax: (702) 598-1425  
20 rdemarco@cslawoffice.net  
21 Attorney for Plaintiff

22 DATED this 4<sup>th</sup> day of October, 2021.

23 /s/ Joel Schwarz  
24 H1 LAW GROUP  
25 Eric D. Hone, NV Bar No. 8499  
26 eric@h1lawgroup.com  
27 Joel Z. Schwarz, NV Bar No. 9181  
28 joel@h1lawgroup.com  
701 N. Green Valley Parkway, Suite 200  
Henderson, NV 89074  
Tel: (702) 608-3720  
Fax: (702) 703-1063  
Attorneys for Defendant

**ORDER**

Based upon the foregoing stipulation, and with good cause appearing, IT IS THEREFORE ORDERED:

1. Plaintiff shall file an opposition to the Motion to Dismiss for Lack of Personal Jurisdiction (“the “Motion to Dismiss”) [ECF 6], by October 20, 2021, and Defendant shall file a reply in support of the Motion to Dismiss by November 3, 2021.
2. Until such time as the Court has entered a decision on the Motion to Dismiss, the parties’ obligation to submit a proposed discovery plan and scheduling order is temporarily shall be stayed.

IT IS SO ORDERED.

  
UNITED STATES DISTRICT JUDGE

DATED: October 6, 2021

Submitted by:

/s/ Robert Z. DeMarco  
ROBERT Z. DEMARCO, ESQ.  
Nevada Bar No. 12359  
CHESNOFF & SCHONFELD  
520 South Fourth Street  
Las Vegas, Nevada 89101  
Tel.: [702] 384-5563  
Fax: [702] 598-1425  
rdemarco@cslawoffice.net  
Attorney for Plaintiff